

REMARKS/ARGUMENTS

The Office has required restriction of original Claims 1-12 into the following groups:

- I. Claims 1-10, drawn to a compound or catalyst.
- II. Claims 11-12, drawn to a process.

Applicants elect, with traverse, Group I (claims 1-10) for further prosecution.

Applicants respectfully submit that original Claims 1-12 are presently pending, and direct the Examiner's attention to the typographical error page one of the present action, in which Claims 1-11 are listed as pending in the present application.

The Examiner has characterized the inventions of Groups I and II as distinct, as drawn to a product and process for use, and in which the product can be used in a materially different process, as noted in the present Office Action on pages 2-3. Thus, the Examiner required restriction among the above groups. Applicants respectfully traverse this rejection based on the following reasons.

Applicants submit that the Office has not made a proper restriction. Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. There also must be a serious burden on the Examiner if restriction is required. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion in support of restriction (see MPEP § 803). Applicants respectfully submit that the Office has not demonstrated that it would be a serious burden to examine the entire application.

The Examiner has provided only a general conclusion that the claimed product can be used in a materially different process, such as isomerization or hydrogenation. The Examiner did not provide any reasons or examples, in terms of, for example, reagents or reaction parameters, in support of this statement. The burden is on the Office to provide reasons to conclude that the inventions are patentably distinct, and not on the Applicants to establish that they are not. Therefore, the Office has not supported its conclusion of restriction of the

respective groups, and has not shown that it would be a serious burden to search and examine these groups together. Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

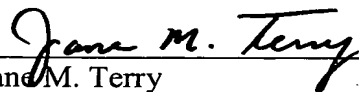
Applicants also submit that if the product claims are allowable, the process claims should be rejoined under MPEP § 821.04, if the process claims depend on, or include all the limitations of, the allowed product claim.

Accordingly, for at least the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary, in order to sustain the requirement for restriction in the present application. Applicants respectfully request the withdrawal of the Restriction Requirement.

Applicants respectfully submit that the present application is now in condition for examination on the merits, and early notice of such action is earnestly requested.

Respectfully submitted,

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